# Case File

## Authors

### at: debrander

#### Debrander is another link—he presupposes a liberal conclusion and thinks that guns get in the way of white students airing controversial views about black protest--the entire K is an impact turn to this thesis. This is antithetical for campus democracy.

Debrander:

Many academics will contend that, at least ideally, classroom debate should be lively, even heated at times. Emotions may run high. As a case in point, I think of the many uncomfortable discussions following the Ferguson and Staten Island police killings last year. Differing views of what constituted racism -- and especially, whether racism lingered and was still entrenched -- elicited highly personal conversations, sharp comments and campus protest. In frank discussions, ugliness, racist undertones and deep cultural mistrust were exposed. Honest exchange is the only way forward amid such controversies; different perspectives and experiences, even if they cause resentment in the short run, must be uncovered and understood if we hope to expand the bounds of empathy. Unpopular views must get a hearing in the classroom. Professors are obligated to foster a setting where students feel comfortable airing their most deep-seated fears and prejudices -- which may not be looked on kindly by others. Guns in the classroom threaten this dynamic. Will students feel so safe and free when surrounded by other students who may be, secretly, arms bearers? Will they feel emboldened to take moral and political risks? Will they feel inclined to air potentially offensive views? I doubt it.

### at: Gordon

#### Alt cause—they doesn’t solve for police.

Gordon:

Moreover, African Americans are disproportionality affected by the saturation of our society by firearms. According to the Centers for Disease Control and Prevention the death rate due to gun violence for Blacks is more than twice that of whites. Vigilante and extra-judicial killings of Black people, as well as the police-involved shootings that saturate our news coverage and our daily lives, point to the distinctly vulnerable position of Black people when it comes to firearm violence. Applied to our situation here at UT, in the presence of firearms the probability that bullets will find us is higher than for any other campus population. At the same time, racial bias functionally excludes Black people from accessing the rights afforded by campus carry legislation, as we would be more likely than our white counterparts to be perceived as actionable threats by fellow citizens and police officers alike.

#### The solution isn’t to take away black peoples ability to defend themselves—but to let them *fight back.*

## Illegal Market

### 1NC—Turn—Market

#### Empirically, gun control policies have led to increased homicide—my article cites recently leaked data from the Australian government.

Tuccille 3/22 [JD Tuccille, writer and editor for reason.com, “Australia’s Gun 'Buyback' Created a Violent Firearms Black Market. Why Should the U.S. Do the Same?” March 22, 2016, http://reason.com/archives/2016/03/22/australias-gun-buyback-created-a-violent] RDK

On the campaign trail and speaking to audiences fearful of firearms in the hands of their friends and neighbors, Hillary Clinton says "Australia is a good example" as she points to a model she wants to emulate in revising the country's gun laws. "The Australian government, as part of trying to clamp down on the availability of automatic weapons, offered a good price for buying hundreds of thousands of guns. Then, they basically clamped down, going forward." The man Clinton wants to succeed, Barack Obama, noted, "Australia … imposed very severe, tough gun laws. And they haven't had a mass shooting since." The president invokes the country's restrictive laws so often that at the recent "Guns In America" town hall on CNN, host Anderson Cooper pointed out "You've praised their policies over and over." "Over and over?" Maybe it's time to tell the president and his likely successor that the policies they so admire have been largely flouted, and that Australia remains a mostly peaceful country despite a foolish and intrusive legal tantrum that is fueling the growth of a large black market served by organized crime. Clinton and Obama tout a 1996 "gun buyback" that was actually a compensated confiscation of self-loading rifles, self-loading shotguns, and pump-action shotguns in response to the Port Arthur mass shooting. The seizure took around 650,000 firearms out of civilian hands and tightened the rules on legal acquisition and ownership of weapons going forward. As a result, concluded one academic assessment, "Suicide rates did not fall, though there was a shift toward less use of guns, continuing a very long-term decline. Homicides continued a modest decline; taking into account the one-time effect of the Port Arthur massacre itself, the share of murders committed with firearms declined sharply. Other violent crime, such as armed robbery, continued to increase, but again with fewer incidents that involved firearms." A largely peaceful country remained peaceful, with alternative weapons sometimes adopted in place of guns by those who weren't so well-intentioned. What the law couldn't do—what prohibitions can never accomplish—was eliminate demand for what was forbidden. And demand has an inescapable habit of generating sources of supply. If that demand can't be legally satisfied, it will be met through black market channels. In Australia, part of the supply of banned firearms comes from defiance of the original prohibition. The Sporting Shooters' Association of Australia estimates compliance with the "buyback" at 19 percent. Other researchers agree. In a white paper on the results of gun control efforts around the world, Franz Csaszar, a professor of criminology at the University of Vienna, Austria, gives examples of large-scale non-compliance with the ban. He points out, "In Australia it is estimated that only about 20% of all banned self-loading rifles have been given up to the authorities." But that defiance was mostly on the part of peaceful civilians who just didn't want to bend their knees to politicians, and it was 20 years ago. What about the bad actors supposedly targeted for disarmament by the government? Just days ago, Australia's Peter Dutton, Minister for Immigration and Border Protection, and Michael Keenan, Minister for Justice, held a joint press conference to announce "We don't tolerate gun smuggling in Australia and we know Outlaw Motorcycle Gangs are engaged in it. We have been keen to send the strongest possible message from Canberra that we're not going to tolerate people smuggling in guns or smuggling in gun parts. You'd appreciate that even one smuggled gun can do an enormous amount of damage." When politicians announce that they don't tolerate something, it's a fair bet that the something is completely out of hand. "Police admit they cannot eradicate a black market that is peddling illegal guns to criminals," the Adelaide Advertiser conceded a few years ago. "Motorcycle gang members and convicted criminals barred from buying guns in South Australia have no difficulty obtaining illegal firearms - including fully automatic weapons." More recently, the country's The New Daily gained access to "previously unpublished data for firearms offences" and reported a surge in crime "including a massive 83 per cent increase in firearms offences in NSW between 2005/06 and 2014/15, and an even bigger jump in Victoria over the same period." "Australians may be more at risk from gun crime than ever before with the country's underground market for firearms ballooning in the past decade," the report added. "[T]he national ban on semi-automatic weapons following the Port Arthur massacre had spawned criminal demand for handguns." Much as the Mafia and other organized criminal outfits rose to power, wealth, and prominence by supplying illegal liquor during Prohibition in the United States, outlaw motorcycle gangs in Australia appear to be building international connections and making money by supplying guns to willing buyers. It's as if Australian politicians looked at America's experience and said: what the land down under really needs is its own Al Capone—but Mad Max-style, with leather and a hog. Once you enable organized crime, there are no boundaries. Australia's criminal gangs supply not just pistols, but weapons up to and including [rocket launchers](http://www.smh.com.au/nsw/exbikie-granted-immunity-in-rocket-launcher-case-now-facing-deportation-after-drug-bust-20160212-gmsp58.html)—some of which may have ended up in terrorist hands. "Police have only ever recovered one of the 10 rocket launchers," a report notes in the wake of an incident involving (you guessed it) a "bikie." Obviously, items like rocket launchers come from specialized sources. "[T]hefts of guns from the Australian defence forces accounts for a steady stream of weapons falling into the hands of criminals," according to yet [another news report](http://thenewdaily.com.au/news/2015/12/22/army-keeps-story-stolen-guns-wraps/). The military-sourced guns have been linked to crimes, including murder. But like American bootleggers who supplemented smuggled booze with bathtub gin, Australia's organized criminal outfits have learned the joy of DIY production. A South Australia man was arrested in 2012 for [manufacturing guns](http://www.adelaidenow.com.au/news/south-australia/man-charged-with-making-machine-guns/story-e6frea83-1226528981674?nk=25014ac3ee16faa5fd8aeaf07c2e83ec-1458495786), including submachine guns, for criminals. A year later, New South Wales jeweler was busted for [cranking out](http://www.dailytelegraph.com.au/news/nsw/jeweller-angelos-koots-admits-to-making-submachine-guns-at-his-seven-hills-home-and-supplying-them-to-bikie-groups/story-fni0cx12-1226760983916?nk=25014ac3ee16faa5fd8aeaf07c2e83ec-1458152709)"up to 100 of the perfectly constructed MAC 10 machine guns" for motorcycle gang members. Maybe Australia already has its own biker Capone. Those DIY efforts become easier every day. Surveying recent technological developments, the Australian Crime Commission [foresees](https://crimecommission.gov.au/media-centre/release/australian-crime-commission-media-statement/illicit-handguns) improved home-manufacturing abilities making "3D printing of firearms or firearm parts an increasingly viable option." Make no mistake about it, Australia is a generally peaceful country with a 2014 murder rate of [1.0 victims per 100,000 persons and an overall homicide rate, including manslaughter, of 1.8](http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4510.0~2014~Main%20Features~Homicide%20and%20Related%20Offences~9). In 2000 the Australian Institute of Criminology [reported](http://www.aic.gov.au/publications/current%20series/cfi/1-20/cfi003.html) "the homicide rate for Australia has stayed remarkably constant. The highest rate recorded over the last 11 years was 2 per 100,000 and the lowest rate was 1.7 per 100,000." So in the intervening years, they've [basically seen](http://www.aic.gov.au/statistics/homicide.html) a continuation of the "modest decline" referred to in the academic assessment cited above. By contrast, without Australia's confiscation policy, the United States has seen its murder (including nonnegligent manslaughter) rate [drop from 9.3 homicides per 100,000 U.S. residents in 1992 to 4.7 in 2011](http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4863) and decline further, to [4.5 per 100,000](https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/table-16) in 2014, the last year for which full data is available. During this time, the [number of firearms in civilian hands](https://reason.com/archives/2016/01/05/you-know-less-than-you-think-a) increased by roughly 50 percent, to an estimated [300 million](http://www.gunfaq.org/2013/03/how-many-guns-in-the-united-states/). If Australia's gun policy has coincided with a continuing "modest decline" in its homicide rate, it has had more dramatic results elsewhere. The confiscation drove many of the country's peaceful gun owners underground. It also—and this is important if America's Prohibition-era experience is any guide—empowered a growing organized crime network that is enriched by the trade in guns, drugs, and other goods that people desire and that governments vainly tries to keep out of their hands. That crime network has developed international contacts, and grown wealthy and dangerous. Investigative journalists suggest the organized black market in firearms is fueling a surge in crime that has yet to appear in statistics. Australia will have to live with the rise in organized crime for years to come. Hillary Clinton, Barack Obama, and their friends need to explain to us why we should risk America's current success at reducing violent crime with an Australian policy that has succeeded most obviously at fueling the rise of a down-under Mafia awaiting only the obvious rise of an armaments Al Capone. We already lived through Prohibition once. Australia may not have learned from our experience, but we don't have to emulate that country's mistake.

#### Empirically bans on guns have led to black markets.

David 15 [M. David, writer for Countercurrent News, “European Police Admit ‘Banning Guns Has Not Worked’ Terrorists Have Them ‘Outgunned’” September 5, 2015, <http://countercurrentnews.com/2015/09/european-police-admit-banning-has-not-worked/>] RDK

Police in Europe are now saying that gun banning has failed them. Terrorists have managed to get a hold of high powered, black market assault rifles, in spite of the fact that these are virtually impossible to get through legal means in most European nations. As well, many law enforcement agencies are armed with little or nothing, and finding out quickly that criminals do not obey gun laws, they simply buy illegal arms from the robust black market. In Europe it is just as easy to get weapons on the black market as it is to walk into a gun store in the United States. In many cases, the prices you pay on the black market are considerably less expensive than in nations where the same arms can be purchased through legal avenues. Europol chief of staff Brian Donald recently said that there were two “large seizures” of firearms, mostly “assault weapons”, in the past two weeks alone. None of these were stolen from the gun stores or the homes of law abiding citizens. Yet in spite of the laws against them, it has been relatively easy to easy to get your hands on pretty much anything you want – even easier than in the United States for many select fire, fully automatic weapons. It would seem that the more guns have been banned by the governments of Europe, the more robust the black market has grown and the more available the weapons have become to those who are willing to break the law. [TIME magazine](http://time.com/3687334/arms-smuggling-europe-balkans/) reports that terrorists in Europe have been able to arm themselves with weapons that typically cost $20,000 or more in the United States to acquire legally. But on the European black market, these weapons were fetched for what would be under $1,000 USD.

## Race

### 1NC—Turn—Race

#### It’s try-or-die neg—the system has failed people of color. Giving the state further monopolies on violence replicates marginalization.

Arkles 13 (Gabriel Arkles, Associate Academic Specialist at Northeastern University School of Law, GUN CONTROL, MENTAL ILLNESS, AND BLACK TRANS AND LESBIAN SURVIVAL, 2013)//Miro

John, for example, had been poor his whole life. Employers were not eager to hire him. He got welfare for a while, but in the era of welfare reform had to enroll in a job training program to continue getting benefits. When the job training program kicked him out for refusing to wear a skirt, he no longer got his meager welfare payments. These mechanisms—the punishment for not conforming to femininity, the surveillance and coercion built into welfare, and the economic structures producing poverty—can also be understood as forms of violence. Trans people of color and queer women of color cannot rely on police to defend them from any of these forms of violence. In fact, police are often the perpetrators of violence, including sexual violence.40 For example, a Native American trans woman described: “The police are not here to serve, they are here to get served. . .Every night I am taken into an alley and given the choice between having sex and going to jail.”41 A trans man reported a security guard and police threatening to rape him: “The security guard said, ‘The trouble is that this fucking lesbian needs to know what it’s like to be with a man.’ They all started to laugh. ‘I could show her,’ one police officer said.”42 Because they are overwhelmingly targeted for violence and do not receive institutional protection from this violence, trans people of color and queer women of color are likely to genuinely need to defend themselves and their communities from violence. However, while according to law and public perception self-defense is justified,43 in practice the self-defense justification works more effectively for those accused of crimes against people with less privilege than they have. This dynamic explains why women are punished for fighting back against men who abuse them44 and why hate crime laws are used against the groups they are purported to benefit.45 Certain bodies are considered more worthy defense of than others.46 Famously, Bernhard Goetz, a white man, shot four young Black men he perceived as trying to rob him in a NYC subway.47 While many expressed outrage at Goetz’ racism, others acclaimed him as a hero.48 A mostly white jury acquitted him of murder.49 More recently, George Zimmerman, a mixed race Latino man who was widely perceived as white, shot Trayvon Martin, a young, unarmed Black man, and claimed he acted in self-defense. Zimmerman’s ability to claim self-defense was bolstered by the Blackness of his victim and his own perceived whiteness. Police accepted his account of Martin’s killing as true. Only after widespread public outcry did they question his story, ultimately arresting him for the murder.50 A jury acquitted him.51

#### A gun ban *reboots* the war on people of color—any extension of criminal sanctions disproportionately impacts those at the margins.

Arkles 13 (Gabriel Arkles, Associate Academic Specialist at Northeastern University School of Law, GUN CONTROL, MENTAL ILLNESS, AND BLACK TRANS AND LESBIAN SURVIVAL, 2013)//Miro

Since the Newtown shooting, demands for increased gun control measures have sharply increased.71 State legislatures and the Obama administration have responded.72 However, none of the laws passed or proposed since Newtown could plausibly have prevented the incident.73 At most, if they were followed, they could have reduced the size of the magazines Lanza was using to kill people.74 However, most of the measures that have been passed since Newtown—increasing sentences for actions that are already illegal, such as carrying an unloaded gun while trafficking drugs; imposing obligations on mental health providers to report their patients whom they suspect of being dangerous to the government so that their licenses for firearms may be revoked; increasing use of criminal background checks prior to gun sales; expanding prohibitions on gun licenses and gun sales to people with serious mental illness, etc.—are completely irrelevant to what happened in Newtown.75 Moreover, in a system with millions of people behind bars, most of them people of color, anyone concerned with racial justice should greet proposals to expand criminal sanctions with extreme skepticism. Gun control laws have been around for centuries and have maintained hierarchies of race, gender, disability, nationality, class, and sexuality. As others have documented extensively, most gun control laws implemented throughout US history have either explicitly or implicitly supported white supremacy.76 Early gun control laws primarily focused on preventing Black people (enslaved or free) and Native Americans from arming themselves.77 Later, new gun control laws focused on disarming immigrants and working class people.78 In the 1960s lawmakers passed gun control laws in reaction to Black Panther organizing, a move which armed women and men from the Black Panthers protested.79 White men seem to be the most common gun owners in the U.S.80 However, it is mostly people of color and often trans people of color and queer women of color who get targeted through gun control laws. Partly, this is because most gun control laws are criminal laws and the criminal legal system targets people of color, trans people, and poor people. The disproportionate arrest, prosecution, sentencing, and punishment of communities of color is well-documented.81 While much of the writing and activism about the racism of the criminal legal system has focused on cisgender men of color, who do experience extremely high rates of incarceration and police violence, women of color and (other) trans people of color also face severe and pervasive criminalization and punishment, as well as gender-related harms within these systems.8

#### Empirics demonstrate that gun control laws have a disproportionate impact on the imprisonment of people of color.

Arkles 13 (Gabriel Arkles, Associate Academic Specialist at Northeastern University School of Law, GUN CONTROL, MENTAL ILLNESS, AND BLACK TRANS AND LESBIAN SURVIVAL, 2013)//Miro

Beyond the concerns that could apply to any criminal law, gun control laws are particularly bad for trans people of color and queer women of color, for a few reasons. First, as described above, trans people of color and queer women of color are heavily targeted for both interpersonal and institutional violence and they are also particularly unlikely to be able to rely on police or other government or corporate entities for protection. Those who choose to have guns for self-defense, under these circumstances, should not be punished. Further, the text of most gun laws requires discrimination. For example, existing federal law prohibits certain people from having a gun.83 The categories of people prohibited from possessing a firearm include people with certain types of criminal history; people who are addicted to controlled substances; undocumented immigrants and people present in the U.S. as visitors; people dishonorably discharged from the military; and people who have had certain types of mental health treatment.84 All of these restrictions disproportionately impact marginalized communities. The prohibition on people with criminal histories possessing guns has a highly discriminatory impact on people of color, and trans people and queer youth of color in particular, because of the high rates of criminal legal system targeting of these communities.85 The prohibition on addiction also has a disparate impact. While most studies indicate no racial differences in rates of illicit drug use, people of color are far more likely to be identified as addicted to controlled substances because they are disproportionately targeted for enforcement of drug laws.86 They are also less likely to have access to high-quality, voluntary, confidential treatment for addiction or to licit medications for reducing chronic pain or symptoms of anxiety or depression.87 Also, some studies have shown high rates of drug abuse in LGBT communities, which many theorize results from high rates of stress from homophobia and transphobia.88 The provisions preventing undocumented immigrants and certain other immigrants from lawfully obtaining guns also have profound implications in terms of race, class, gender, sexuality, and disability. People of color from other countries may be more likely to immigrate to the United States, if they can, because of economic colonialism and military occupation that has devastated much of the global South, Middle East and parts of Asia.89 Trans people of color and queer women of color also may have particular incentives to leave their home countries because of transphobic, sexist, and homophobic violence in home countries (which can also be related to colonial legacies).90 While the explicit ban on immigration of people living with HIV was lifted in 200991 and the ban on immigration of people perceived as “sexually deviant” was lifted in 1990, 92 trans people and queer women are still even less likely than other immigrants to be able to get access to lawful immigration status in the U.S. The two primary routes to immigration to the US are less likely to be open to trans people and queer women. Poverty and employment discrimination make it unlikely they will be able to access employment-based routes to immigration status. Family-based immigration status is less likely to be available to queer women and trans people because immediate biological family members sometimes reject their trans, queer, or lesbian family and U.S. immigration law refuses to acknowledge chosen family networks that trans people of color and queer women of color often create. Also, the extensive criminalization of trans immigrants of color creates further barriers to immigration status.93 Bias and sexual exploitation on the part of immigration officers also create greater barriers to immigration.94 Dishonorable discharges from the military may also be a result of racism, sexism, homophobia, and/or transphobia. For example, Black women were disproportionately likely to be discharged under Don’t Ask Don’t Tell.95 Cross-dressing has been found to be conduct unbecoming an officer.96 Trans people of color and queer women of color may also be disproportionately labeled as mentally ill and subjected to involuntary treatment, as explained further below, 97 which means that prohibitions on gun possession for people with certain histories of mental health treatment discriminate not just on the basis of disability but also have a discriminatory impact on the basis of race, gender, and sexuality. Further, criminal gun control laws are not neutrally applied. In New York City, people charged with unlawful possession of a firearm are almost all people of color.98 Less than 4% of people charged with this crime are white, while nearly 70% are Black. 99 Like illicit drugs, illicit guns can easily be detected through searches—lawful or otherwise.100 Because of racial profiling, people of color are overwhelmingly the targets for “stop and frisks” and other such searches.101 Gender nonconformity, as well as race, can incite suspicion and lead to searches. Not long after the Virginia Tech shooting, a parent reported seeing a white man wearing women’s clothing walking near a school.102 In response, school officials locked down the school, contacted the authorities, and conducted a search for the “suspicious” person.103 A Black trans woman in Oklahoma recently sued after people reported her for walking in the park while wearing women’s clothing and the police arrested her for disorderly conduct.104 A Black trans man whose power wheelchair got stuck in the snow described how the only help any passerby would offer was calling the police, rather than offering to take a minute to help him with a push.105 Trans women of color are routinely stopped and arrested as presumed sex workers, simply because of their gender expression and race.106 Poverty and homelessness also dramatically increase vulnerability to police surveillance and are more prevalent among queer women of color and trans people of color.107 This increased surveillance and suspicion can make queer women of color and trans people of color far more likely to get caught with guns than identically armed white, straight, cisgender men

### 2NR Race O/V

#### It’s try-or-die for the negative—1NC Arkles evidence indicates that the criminal justice system has failed trans people and people of color—they are disproportionately the target of violence from the state.

#### Oppressed people need access to guns in order to defend themselves from this disproportionate violence.

#### Even if they win all of their arguments about why self-defense is bad, gun ban laws are still disproportionately enforced against people of color—fueling the prison industrial complex. This is empirically programs like stop and frisk which virtually only targets people of color.

#### <<Impact stuff>>

#### The replicates disposability and structures of oppression that outweigh the Aff—yes gun violence may be bad, but the aff reboots a violent war against people of color that leads to more deaths—(empirically from war on drugs).

## Debility

### 1NC—Turn—Ableism

#### Gun control privileges neurotypicality—we simply can’t have those “crazies” running around with guns.

Scholl 15 (T. J. Scholl, student of English literature and gender studies at Sewanee: The University of the South, “Obama’s Gun Control Ableism”, July 26th, 2015)//Miro

President Obama’s recent gun control efforts exemplify the ableism and general discrimination inherent in progressive paternalism. In his latest attempt at gun control, Obama seeks to bar individuals [with] who collect Social Security benefits and whose resources are overseen by “representative payees” due to “marked subnormal intelligence, or mental illness, incompetence, condition, or disease” from owning or purchasing a firearm. Under the terms of the proposal, the Social Security Administration would be required to report the identities of four million plus disabled and neurodivergent individuals to the National Instant Criminal Background Check System (NICS). This is the same system that identifies and prevents sales of weapons to members of a number of other marginalized groups, including undocumented immigrants, felons, and known drug users. The mistreatment of differently abled and neurodivergent individuals by the state is an insufferable fact of life in America, a nation where over fifteen percent of all incarcerated people suffer from a severe mental illness. Attempts to further smother the already oppressed are always high on the priority list of do-gooder bureaucrats who see anyone with even a hint of a problem as a potential client. While it is indeed critical that society offers support to those in need of physical, mental, and emotional assistance, bodily autonomy and independent agency are of paramount importance. Freedom does not exist without those elements. Involuntary institutionalization [is] and other forms of coercive psychology are all too common in our neoliberal welfare state. Criminalizing firearm possession for anyone who fails to meet the federal government’s arbitrary definition of “competency” forces millions of already vulnerable individuals to rely on third parties for protection, further stripping them of their independence. It seems to be the state’s goal that it never be rendered irrelevant. And that is precisely why the anarchist supports illegal ownership of firearms, outside the purview of the state, where individuals feel it necessary. The same government that has systematically imprisoned, maimed, murdered, and labeled deviant for two centuries those who don’t fit snuggly into the box of societal acceptability is now demanding that its victims sit back and accept its “benevolence.” Your right to self-defense be damned. We simply cannot have “crazies” running around with guns, they say. It may lead to innocent people being injured or killed. Gun control, especially this variety of it, is intrinsically ableist. It privileges neurotypicality by preventing neurodivergent individuals from acquiring the means to practically and effectively defend themselves. Given that rights do not exist in a vacuum, the right to defend oneself is meaningless when those in power make it illegal to both obtain and keep the only tools realistically useful in exercising that right. Not only would this measure strip millions of marginalized individuals of their ability to defend themselves, it would inevitably lead to an uptick in the imprisonment and institutionalization of the very people whom the state claims deserve protection. As radical social critics have pointed out, gun control laws naturally target disenfranchised groups and contribute to the perpetuation of a vicious cycle of poverty. No matter how much lip service Obama pays to criminal justice reform, his dedication to gun-grabbing reveals that he has no intention of putting an end to mass incarceration and marginalization. Regardless of what the statist left may assert, neurodivergent individuals and other stigmatized groups having access to firearms is not the problem; government- mandated abelism is.

#### The view of some bodies as “less than” is the fundamental tenant upon which all forms of oppression and violence rest. We must resist the narrative coding some bodies as “abnormal”.

Siebers 9 (Tobin, Professor of Literary and Cultural Criticism @ The University of Michigan, “The Aesthetics of Human Disqualification”, 2009)//Miro

Oppression is the systematic victimization of one group by another. It is a form of intergroup violence. That oppression involves “groups,” and not “individuals,” means that it concerns identities, and this means, furthermore, that oppression always focuses on how the body appears, both on how it appears as a public and physical presence and on its specific and various appearances. Oppression is justified most often by the attribution of natural inferiority—what some call “in-built” or “biological” inferiority. Natural inferiority is always somatic, focusing on the mental and physical features of the group, and it figures as disability. The prototype of biological inferiority is disability. The representation of inferiority always comes back to the appearance of the body and the way the body makes other bodies feel. This is why the study of oppression requires an understanding of aesthetics—not only because oppression uses aesthetic judgments for its violence but also because the signposts of how oppression works are visible in the history of art, where aesthetic judgments about the creation and appreciation of bodies are openly discussed. One additional thought must be noted before I treat some analytic examples from the historical record. First, despite my statement that disability now serves as the master trope of human disqualification, it is not a matter of reducing other minority identities to disability identity. Rather, it is a matter of understanding the work done by disability in oppressive systems. In disability oppression, the physical and mental properties of the body are socially constructed as disqualifying defects, but this specific type of social construction happens to be integral at the present moment to the symbolic requirements of oppression in general. In every oppressive system of our day, I want to claim, the oppressed identity is represented in some way as disabled, and although it is hard to understand, the same process obtains when disability is the oppressed identity. “Racism” disqualifies on the basis of race, providing justification for the inferiority of certain skin colors, bloodlines, and physical features. “Sexism” disqualifies on the basis of sex/gender as a direct representation of mental and physical inferiority. “Classism” disqualifies on the basis of family lineage and socioeconomic power as proof of inferior genealogical status. “Ableism” disqualifies on the basis of mental and physical differences, first selecting and then stigmatizing them as disabilities. The oppressive system occults in each case the fact that the disqualified identity is socially constructed, a mere convention, representing signs of incompetence, weakness, or inferiority as undeniable facts of nature. As racism, sexism, and classism fall away slowly as justifications for human inferiority—and the critiques of these prejudices prove powerful examples of how to fight oppression—the prejudice against disability remains in full force, providing seemingly credible reasons for the belief in human inferiority and the oppressive systems built upon it. This usage will continue, I expect, until we reach a historical moment when we know as much about the social construction of disability as we now know about the social construction of race, class, gender, and sexuality. Disability represents at this moment in time the final frontier of justifiable human inferiority.

### 2NR O/V Ableism

#### The Affirmative exemplifies ableist progressive paternalism—the same government systematically imprisoned, maimed, murdered, and labeled deviant disabled people is now demanding that its victims accept its “benevolence.”—that’s Scholl.

#### Disability is the master “trope” of human disqualification. This view of some bodies as “less than” is the fundamental tenant upon which oppression rests—turns case—that’s Siebers.

## Domestic Violence

### CX

#### What is domestic violence? Who is affected by domestic violence?

### 1NC—Defense—Alt cause

#### <<If read McDonough:>> McDonough acknowledges a huge alt cause—even if the aff closes the boyfriend loophole, background checks are rarely if ever applied:

Among the most baffling failures in gun policy—and there are many—is the fact that some victims of domestic violence don’t get the same protections from their abusers as others. Under current law, people convicted of misdemeanor domestic violence are only banned from owning guns if they are married to, have children with, or live with their victims. (That’s if they’re subjected to a background check, which is a big “if.”)

#### Plan leaves weaknesses unaddressed— most guns are bought without background checks and the laws aren’t enforced.

Parsons 13 (Winnie Stachelberg, Arkadi Gerney, Chelsea Parsons, Megan Knauss, Vice President of Guns and Crime Policy at American Progress, “Preventing Domestic Abusers and Stalkers from Accessing Guns,” May 9, 2013)//Miro

Although Congress has acted to protect victims of domestic violence from future gun violence, there are four key weaknesses in the law that leave women vulnerable to future attacks. Individuals who are banned from buying guns because of domestic-violence convictions or restraining orders are still able to easily buy guns through private sellers, who are not legally required to conduct a criminal background check. Many perpetrators of domestic violence are also not prohibited from gun ownership because the federal law limits this protection only to certain types of intimate-partner relationships and victims who have obtained restraining orders after a full hearing. Additionally, efforts by law enforcement to ensure that guns already in the hands of domestic-violence perpetrators are confiscated once they become legally barred from gun ownership are woefully insufficient. Finally, victims of a serious related crime, stalking, are not afforded any protection from gun violence under the law. Problem No. 1: Not all gun sales require a background check Federal law requires federally licensed gun dealers to conduct a background check using the National Instant Criminal Background Check System, or NICS, before completing a gun sale. This ensures that criminals and other dangerous individuals who are prohibited from gun ownership under the federal law are not, in fact, able to buy guns. Since November 1998, there have been more than 167 million background checks conducted using NICS, and more than 2 million gun sales to individuals prohibited from gun ownership under federal and state law have been prevented. More than 14 percent of those denials were due to misdemeanor domestic-violence convictions or domestic-violence restraining orders. There is currently a loophole in the federal law, however, that permits a significant number of guns to change hands without a background check. Sales between private individuals, for example, are exempted from the background-check requirement, which means that guns may be sold by private sellers at gun shows, over the Internet, through classified ads, or through other methods without first conducting a background check to ensure that the purchaser is legally qualified to possess a gun. The best estimate is that 40 percent of gun sales every year occur in this manner, which accounts for more than 6 million gun transfers with no background checks. Additionally, data from a survey of prison inmates revealed that nearly 80 percent of those polled who had used a handgun during the commission of a crime had acquired it from someone who was not a licensed dealer. This gap in the law means that untold numbers of domestic-violence perpetrators who are banned from buying or possessing guns because of a misdemeanor conviction or restraining order can easily purchase guns through private sales. The potential harm to victims of domestic violence from this scenario is obvious, as demonstrated by the cases below. Zina Daniel, Brookfield, Wisconsin, October 2012 Killed by a gun bought without a background check by a domestic abuser under a restraining order After being married for a number of years, Zina Daniel and Radcliffe Haughton became estranged. In October 2012 Daniel obtained a restraining order against Haughton, telling the court that he had slashed her tires and had threatened to throw acid in her face and burn her and her family with gas. She told the court that his threats against her “terrorize[d] her every waking moment.” Despite being prohibited from buying or possessing a gun under federal law because of this restraining order, Haughton easily purchased a gun on the Internet from a private seller, who was not required to conduct a background check. On October 21, 2012, Haughton appeared at the salon and spa where Daniel worked, shot and killed her and two other women, and injured four others before killing himself. Christen Naujoks, Wilmington, North Carolina, June 2004 Killed by her felon ex-boyfriend, who bought a gun without a background check Christen Naujoks and John Peck, students at the University of North Carolina, Wilmington, dated for a time before Naujoks ended the relationship. Peck, a convicted felon for a prior sexual assault of another woman, began stalking Naujoks and in March 2004 Naujoks reported Peck to campus security and the local police and ultimately obtained a restraining order against him. On May 14, 2004, Peck bought an SKS assault rifle from a private seller, who was not required to conduct a background check, which would have revealed Peck as barred from gun ownership because of his felony conviction. On June 4, 2004, Peck gunned Naujoks down in front of her apartment building, fatally shooting her 11 times. Peck committed suicide after a shootout with police three days later. Jitka Vesel, Oak Brook, Illinois, April 2011 Killed by a prohibited purchaser, who bought a gun without a background check Jitka Vesel and Dmitry Smirnov briefly dated in 2008 after meeting on an online-gaming website; Vesel, however, broke off the relationship. Following the breakup, Smirnov began harassing Vesel via email and phone calls and in 2009 she filed a complaint with the local police department. In April 2011 Smirnov, a Canadian resident who was prohibited from owning a gun in the United States because of his immigration status, entered the country and bought a gun from a private seller in Washington state who had advertised the gun online. Smirnov then drove to Vesel’s home outside of Chicago, placed a GPS tracking device on her car, and followed her for several days. On April 13, 2011, Smirnov approached Vesel in a parking lot and shot her repeatedly, killing her. He was apprehended by police shortly after the shooting, pleaded guilty to stalking and first-degree murder, and was sentenced to life in prison without parole. Problem No. 2: The current limit on domestic abusers is too narrow The federal law disqualifying domestic-violence misdemeanants from firearm ownership excludes a key group of domestic-violence victims from its protection: individuals in a current or former dating relationship who never lived together or had a child together or had a child with the perpetrator. Research has shown that violence is at least as prevalent in dating relationships as in the other intimate-partner relationships currently covered by the federal law. In 2008, for example, homicides committed against a dating partner accounted for nearly half of all domestic-violence homicides. A number of states have recognized the importance of protecting women in dating relationships, and five states have enacted legislation prohibiting individuals convicted of misdemeanor domestic-violence crimes against current or former dating partners from gun ownership. The provision of the law that prohibits individuals subject to certain domestic-violence restraining orders from possessing guns suffers from the same infirmity: Perpetrators who have a restraining order against them in the context of a dating relationship are not banned from firearm ownership. Although 19 states have already acted to ban gun possession by individuals subject to a domestic-violence restraining order against a current or former dating partner, the examples below demonstrate that this gap in the federal law has had tragic consequences. Anastasia Glinisty, Denver, Colorado, January 2013 Shot by a former boyfriend against whom she had a restraining order Anastasia Glinisty and Christopher Fields dated and then broke up in June 2011. Following this breakup, Fields began harassing and stalking Glinisty and was arrested for his conduct a number of times between September 2011 and June 2012. In June 2012 while a criminal felony case against Fields was pending, a court issued an order of protection barring Fields from contacting Glinisty and ordering him to wear a GPS ankle monitor to ensure that he complied. On January 9, 2013, Fields lay in wait on a highway-exit ramp. When Glinisty approached in her car, Fields stepped in front of the car and shot her once through the windshield. Glinisty, who was injured, survived the attack. Fields fled to New Mexico and was apprehended by police a few days later. He has been charged with attempted first-degree murder. Michelle Fischer, Joliet, Illinois, April 2010 Attacked by a gun-wielding former boyfriend against whom she had a restraining order Michelle Fischer and Richard Petrick dated and then broke up in 2007. In 2009 Petrick called Fischer and threatened that “something very, very bad was going to happen to [her].” Fischer obtained an order of protection directing Petrick to stay away from her and her family, but he continued to violate this order by calling, texting, and emailing threats to her. In February 2010 Petrick began driving past Fischer’s house in violation of the protection order. She called the police, and they apprehended him a short time later parked in front of her house with a pellet gun, a 10-inch hunting knife, a Winchester rifle, a .22 caliber semiautomatic rifle, a box of ammunition, and a pair of binoculars. He was arrested, charged with violating the order and aggravated stalking, and released on bond. On April 9, 2010, Fischer found Petrick hiding in the bushes in front of her house. She immediately called the police, but before they arrived Petrick shot a bullet through her sliding glass door and threatened to kill her. She and her daughter were able to escape from the house, and Petrick barricaded himself inside with a gun for a few hours before he was apprehended after a standoff with police. He was ultimately convicted and sentenced to 17 years in prison. Teri Lee, Minneapolis, Minnesota, September 2006 Shot and killed by a former boyfriend against whom she had a temporary restraining order Teri Lee and Steven Van Keuren had dated for three-and-a-half years when, in July 2006, Lee broke off the relationship. Following the break-up, Van Keuren broke into Lee’s home later that month and threatened her with butcher knives. He was arrested following this incident and was released on bail with a court order directing Van Keuren to stay away from Lee, her family members, and her home while the criminal case was pending. In September 2006 Van Keuren violated this order by showing up at Lee’s daughter’s volleyball game, and although Lee reported this violation to police, Van Keuren remained free on bail. Two days later, on September 22, 2006, Van Keuren broke into Lee’s home and fatally shot her and her boyfriend, Tim Hawkinson. Van Keuren was convicted of two counts of first-degree murder and sentenced to two consecutive life terms in prison. The federal law that prevents individuals who are subject to certain domestic-violence restraining orders from buying or possessing guns also suffers from another significant flaw: It only covers permanent orders issued after notice and an opportunity for a hearing, and does not disarm accused domestic-violence offenders when emergency temporary restraining orders are issued prior to a hearing. As the case of Teri Lee described above shows, the risk to victims of escalating gun violence can begin long before the issuance of a final order of protection and may even be greater in the days and weeks immediately following the service of a temporary order of protection. Problem No. 3: Failure to prevent stalkers from obtaining guns The current federal law fails to protect another group of particularly vulnerable crime victims from future gun violence: victims of stalking. Stalking involves a course of harassing conduct against a person that is designed to put them in fear for their personal safety. While stalking victims are sometimes related to or are in an intimate relationship with the perpetrator, there are also many cases of stalking that involve casually related or unrelated parties. According to the Centers for Disease Control’s National Intimate Partner and Sexual Violence Survey, one in six women and 1 in 19 men have been stalked during their lifetime. Although stalking is often categorized by states as a misdemeanor crime, it remains a serious criminal offense that is often the first step in an escalating pattern of criminal behavior that culminates in physical violence. One study finds that stalkers use weapons to harm or threaten victims in one out of every five cases. The Office on Violence Against Women in the Department of Justice reports that 76 percent of women who were murdered by intimate partners were first stalked by their partner. For more than a decade, Congress has recognized the seriousness of stalking and the dangers posed to women: In 1996 Congress created a new federal crime of stalking, which criminalizes stalking that occurs across state lines and carries a steep penalty. In much the same way that individuals convicted of misdemeanor domestic-violence crimes pose a unique risk to their victims and therefore should be barred from gun ownership, stalkers also pose a continuing danger to victims, even after the criminal-justice system has intervened and imposed punishment. For many victims of stalking, the danger does not end with a misdemeanor conviction or the issuance of a restraining order—a point the cases below tragically illustrate. Stacey Sutera, Canfield, Ohio, February 2012 Shot and killed by a convicted stalker In 2010 Robert McLaughlin began harassing and stalking Stacey Sutera, a woman he had known for a number of years but who did not share his romantic feelings. McLaughlin keyed her car and put nails in her tires, created websites and sent emails intended to tarnish Sutera’s reputation, and sent business cards to various locations containing Sutera’s name and contact information and stating that she was available to perform sex acts. Sutera sought help from the police, and in December 2010 McLaughlin pleaded guilty to menacing by stalking and other charges, and was sentenced to six months in jail. In November 2011 McLaughlin was convicted of additional charges relating to his stalking of Sutera, sentenced to probation, and ordered by the court to have no contact with Sutera. On February 8, 2012, McLaughlin shot and killed Sutera as she walked to her car outside her home. McLaughlin later killed himself. Kathleen Seely, Coeur D’Alene, Idaho, September 2001 Shot and killed by a stalker Kathleen Seely and Kenneth Sheldon met in 1997 when they worked together at a retirement home. Sheldon became obsessed with Seely, who was married, and he began stalking her, sending her love notes and even buying personalized license plates with her name on them. Seely filed a complaint against Sheldon but he was acquitted of a stalking charge in 1999. The harassment continued and Seely filed a second complaint in 2000, which was ultimately dismissed when Sheldon agreed to seek counseling and to a longer term of probation for an unrelated battery conviction against a different victim. On September 9, 2001, Sheldon fatally shot Seely at her workplace and then killed himself. Problem No. 4: Failure to adequately enforce the laws against domestic abusers While federal law prohibits domestic-violence misdemeanants and individuals subject to certain domestic-violence restraining orders from buying or possessing guns, federal and state law-enforcement agencies have largely failed to enforce this prohibition and ensure that these individuals are relieved of any guns in their possession. Some states have enacted laws or policies to help facilitate surrender of firearms by these individuals, but these laws are often poorly enforced. The failure to disarm domestic abusers can have devastating consequences for victims. An investigation by The New York Times in March 2013 found that over the past decade in Washington state—one of the states examined in the investigation—at least five women were shot and killed less than a month after obtaining protection orders, and in at least six other instances in the state, a person subject to a restraining order shot and killed a person other than the one who had taken out the restraining order. Another New York Times investigation found that since 2011 more than 50 people in Washington state with protection orders were arrested on gun charges, and in Minnesota more than 30 people with protection orders were convicted of an assault with a dangerous weapon over the past three years.

### 1NC—K—domestic violence

#### Domestic violence discourse has been coopted by reactionary rhetoric. Crime control strategies replicate racial hierarchy and ignore antagonistic relationships with the police.

Ferraro 96 (Kathleen J. Ferraro, professor of sociology at Northern Arizona University, “The Dance of Dependency: A Genealogy of Domestic Violence Discourse”, 1996)//Miro

No one group is responsible for the shift in focus that occurred over the 1980s. The relationships and ideologies which intermingled in that decade drew from the demands of battering advocates and the reactionary rhetoric of family values. They coincided in a crime control rhetoric that echoed previous campaigns to "bring back the whipping post" (Pleck 1987). These echoes carried with them the traces of racism and classism permeating the desire to discipline those who transgressed Anglo-Saxon definitions of the "family ideal." Crime control rhetoric not only eclipsed feminist efforts to alter the misogynistic foundations of that ideal. It also reinforced the boundaries between "good" and "bad" families, between men who batter and those who simply enforce a normative order of male-dominated households. In the 1970s, construction of a category "battered woman" empowered individual women to locate their personal situations in a political context, as a social problem. However, the homogenization of this category through academic, and especially legal, boundary-setting worked to erase the possibilities of discourses of intersectionality (Crenshaw 1991). That is, the intersecting forces of race, class, and sexual orientation that impinge on the experiences of battering were not included in positivist research, and are not accessible through legal definitions of perpetrator and victim. Women's relationships to men who batter them and to law enforcement are transversed by racial, class, and sexual locations. Women whose familial and personal histories instruct a view of police as agents of repression will not embrace mandatory arrest policies as a solution to battering. Within a context of frequent occurrences of police brutality and high rates of incarceration of young men of color, many women will not feel empowered by policies which give greater authority to police officers (for example, warrantless arrests) or which rely on police to provide protection. Women also have reason to worry that "mandatory arrest" will lead to their own incarceration. "Dual arrests" of both victim and perpetrator have become common in most cities where mandatory arrest policies are in place. In several investigations (Ferraro 1989; Norris 1994; Oberweis 1995), women report they will never call the police again, because when they did, they were arrested. The crime control model may decrease immediate physical danger to women, although even that has not been demonstrated. It does nothing, however, to increase women's material and emotional resources for surviving outside of an abusive relationship. Child support and daycare, affordable housing, and educational loans have all suffered funding cuts. The domestic violence discourse articulated by feminists in the early 1970s argued that police should play a minor role in assisting battered women. Shelters were also viewed as intermediate, band-aid interventions on the road to liberation. Co-optation of the movement has resulted in almost exclusive focus on these limited strategies and abandonment of broad-based feminist demands. IV The construction of domestic violence discourse between 1970 and 1996 is an example of the deployment of power within liberatory discourses. As a challenge to male violence, it exemplifies the potential for resistance through recasting the meanings of gender relationships. The ascendence of crime control strategies within the discourse, however, tends to replicate gendered, as well as racialized and class-based hierarchies. The domestic violence discourse is not outside of, but is constituted by the power dynamics it confronts. The shift from liberatory to crime control discourse has enhanced some possibilities for change and foreclosed others. One possibility which has been enhanced is the recognition of battered women as victims. In the early 1970s, there was no specific language for battering. Women who were violently assaulted in intimate relationships were not recognized as legitimate victims by legal, social, or religious authorities or by the general public. The problem was considered rare, and women who experienced it were not afforded sympathy or support, but usually advice on how to improve their marriages. Within this context, resignification of victimization was a positive resource for women. Resignification of victimization, however, is not free from cultural and moral baggage. Younger "post-feminists," such as Roiphe (1994) and Denfeld (1995) argue that feminism has created a "victim mythology," which portrays all women as victims of male violence. The early battering discourse did not focus on women as victims, but the criminal justice discourse defines individuals as either victims or perpetrators. The 1978 Civil Rights Commission's consultation does not list witnesses as "victims." The 1984 Attorey General's report lists witnesses in the back, using women's first names, followed by "victim," interspersed with experts' full names and institutional affiliations. The use of first names only is an effort to protect anonymity. Employed with the adjective "victim," however, the list serves to elevate the victim role to an identity. Victimization carries cultural notions of deservedness. Victims are subject to interrogation of their conduct, motives, and efforts to protect themselves and often their children. The public and legal image of victim is influenced by race, class, and sexual orientation factors. Now that there is a culturally constructed image of real battered women victims, women compare themselves and are compared to the image. The comparison can serve as a basis for offering aid or for condemnation for collusion in her own, or more unacceptably, her children's suffering. The possibilities which have been obscured by the crime control discourse are the ideals expressed by feminists in the 1970s. Establishment of a guaranteed minimum annual wage, broad-based changes in our economic system, revaluing women's work, and elimination of male privilege within the family are goals which have no language within the system of criminal law. These are goals involving the elimination of women's dependency on men. They belong to a discourse of liberation which does not constrict women's pain to a legal or scientific category. A discourse of liberation entails an understanding of the interlocking ideas, practices, and institutions which perpetuate subordination and those that set us free.

#### This is not some generic gun control K. Using the state as the solution to domestic abuse further criminalizes black and brown people at the margins of society and essentializes black women.

Rutrenberg 94 (MIRIAM H. RUTrENBERG J.D. candidate, Washington College of Law at The American University, 1994; B.A., Hampshire College, 1990. A FEMINIST CRITIQUE OF MANDATORY ARREST: AN ANALYSIS OF RACE AND GENDER IN DOMESTIC VIOLENCE POLICY)//Miro

The racist legacy of the criminal justice system" cannot be ignored when battered women's advocates propose to use that system as a solution to the problem of violence against women. The relationship of Black men and women to the criminal justice and legal system continues to be quite antagonistic. Since the days of slavery, the conduct of Black men has been criminalized, while sympathetic police have permitted white men to escape arrest.12 The criminal justice system continues to provide Black women with less protection than white women. Black women suffer greater harm at the hand of the judicial system in various contexts. When a Black woman is raped, regardless of whether the accused is white or Black, the police do not take her case as seriously as when the victim is a white woman.3 " Likewise, a pregnant Black woman who is found to be addicted to drugs or alcohol when arrested or arraigned is much more likely to be convicted of a crime than a similarly situated white woman. 34 In contrast, white women's relationship to the criminal justice system is ambivalent because the patriarchal law serves as both oppressor and protector of white women. 5 The criminal justice system has protected white women in cases of stranger rape when the accused perpetrator was Black, 6 but offered little relief in cases when the accused was white.' Mandatory arrest laws will inevitably result in increased prosecution and consequently, increased oppression for Black men and women in the criminal justice system. Some advocates argue that mandatory arrest policies benefit all women equally because women suffer discrimination based on their gender and not their ethnic or racial identity. A bitter debate has ensued over whether women can be stripped bare of their race and class, to be left with a gender identity that is essentially "woman," transcending all other socially constructed identities.' Feminists refer to the reduction of women's experiences to those based only on gender as gender essentialism. 9 When theorizing about women, one must avoid the tendency to understand "woman" as an "essential" identity; reducing gender to an "essential" form, devoid of any ethnic or racial identities, hinders one's ability to see the oppression that women can impose on other women by virtue of their race. Proponents of mandatory arrest policy, who are also gender essentialists, do not fully acknowledge that white women can indeed be the oppressors of Black men and women in their alliance with the state.' The interconnection of racial and sexual domination means that white women can simultaneously be oppressed and be oppressors. This is apparent in the context of current domestic violence policy, where white women can be oppressed in their abusive relationships, and at the same time, participate in the state's oppression of Black men by calling on the criminal justice system to mandate arrest in intrafamily abuse situations. Support for mandatory arrest statutes excludes Black women because these statutes conflict with the goals of eradicating racism and violence against women. Women demand protection from a male-controlled patriarchal state; and as this demand is met, it appears as if "women" are gaining equality. Black women, however, do not have the same access to the protections of the state, and, in fact, are often themselves the victims of zealous police and prosecutors.'

#### Failure to start with a racial analysis of domestic violence collapses the anti-violence movement and replicates white feminism.

Sokoloff 5 (NATALIE J. SOKOLOFF, John Jay College of Criminal Justice, “Domestic Violence at the Intersections of Race, Class, and Gender: Challenges and Contributions to Understanding Violence Against Marginalized Women in Diverse Communities”, 2005)//Miro

The traditional feminist approach to domestic violence has generally been to emphasize the common experiences of battered women in the interests of forging a strong feminist movement to end woman abuse. However, this approach has increasingly been questioned by scholars and activists who recognize the need to give voice to women marginalized by the largely White, middleclass feminist movement (Richie, 2000; Ristock, 2002; Russo, 2002). Kanuha (1996) is critical of the use of generalizations about battered women. The suggestion that domestic violence affects “every person, across race, class, nationality, and religious lines” equally is “not only a token attempt at inclusion of diverse perspectives but also evidence of sloppy research and theory building” (p. 40). She suggests that the “tag line that domestic violence affects everyone equally trivializes both the dimensions that underlie the experiences of these particular abuse victims and more important, the ways we analyze the prevalence and impact of violence against them” (p. 41). Similarly, Richie (2000) challenges this notion of universal risk: Poor women of color are “most likely to be in both dangerous intimate relationships and dangerous social positions” (p. 1136). She argues that the antiviolence movement’s avoidance of a race and class analysis of violence against women “seriously compromises the transgressive and transformative potential of the antiviolence movement’s potential [to] radically critique various forms of social domination” (p. 1135). The failure to address the multiple oppressions of poor women of color jeopardizes the validity and legitimacy of the antiviolence movement.

## Neolib

### 1NC—Turn—Neolib

#### Thesis: Globalized capitalism is an effective system for improving the conditions of the oppressed. While it certainly has had its problems, it is the best system and is self-improving.

#### In order to win the Affirmative must

#### Provide empirical evidence that the harms of globalization outweigh the benefits

#### Articulate a concrete alternative economic model to globalized capitalism.

#### Don’t let them claim they are only criticizing the “bad parts” of neolib—you can’t have one without the other—if I win neolib is good I win the debate.

#### Now

#### Giroux mistheorizes neolib as monolithic—it is radically contestable and opens up spaces for dissent.

Franks 7 (Benjamin Franks 7, Lecturer in Social and Political Philosophy at the University of Glasgow, “Who Are You to tell me to Question Authority?”, Variant issue 29, <http://www.variant.org.uk/29texts/Franks29.html>)

Potentially stronger criticisms of Giroux’s text lie precisely in his underlying hypothesis concerning the totalising power of neo-conservatism. Giroux shares with the members of the Frankfurt School, who he approvingly cites, a pessimistic and almost wholly determined account of future social developments, in which the prognosis for alternatives to dominant powers looks bleak. Giroux, like Adorno and Marcuse, fears that we are approaching a one-dimensional future composed of intellectually stunted individuals, who are manipulated by the cultural industries, endorse militarised social hierarchies and engage in relationships conceived of only in terms of market-values. This grim dystopia is subject to continual monitoring by an evermore technologically-equipped police and legitimised by an increasingly subservient, partisan and trivial media. However, whilst Giroux’s account of growing authoritarianism is convincingly expressed, it is potentially disempowering, as it would suggest little space for opposition. It is not simply wishful thinking to suggest that the existing power structures are neither as complete nor as impervious as Giroux’s account would suggest. Whilst the old media of radio, film and television are increasingly dominated by a few giant corporations (p.46), new technologies have opened access to dissident voices and created new forms of communication and organisation. Whilst the military are extending their reach into greater areas of social and political life, and intervening in greater force throughout the globe, resistance to military discipline is also arising, with fewer willing to join the army in both the US and UK.7 Bush’s long term military objectives look increasingly unfeasible as Peter Schoomaker, the former US Chief of Staff, told Congress on December 15, 2006 that even the existing deployment policy is looking increasingly ‘untenable’.8 The ‘overstretch’ of military resources is matched by an economy incapable of fulfilling its primary neo-conservative goals of low taxation, sound national finances and extensive military interventions. Whilst this is not to suggest that the US is on the point of financial implosion, the transition to a fully proto-fascist state is unlikely to be seamless or certain. Giroux’s preferred form of resistance is radical education. The photographs from Abu Ghraib were iconic not just in their encapsulation of proto-fascism, but in their public pedagogic role. Their prominence highlighted the many different sites of interpretation, as Giroux rightly stresses, there is no single way to interpret a photograph, however potent the depiction. The ability to interpret an image requires an ongoing process by a critical citizenry capable of identifying the methods by which a picture’s meanings are constructed (p. 135). Giroux’s critical pedagogy overtly borrows from Adorno’s essay ‘Education After Auschwitz’, and proposes “modes of education that produce critical, engaging and free minds” (p. 141). But herein lies one of the flaws with the text: Giroux never spells out what sorts of existing institutions and social practices are practical models of this critical pedagogy. Thus, he does not indicate what methods he finds appropriate in resisting the proto-fascist onslaught nor how merely interpreting images critically would fundamentally contest hierarchical power-relationships. Questions arise as to the adequacy of his response to the totalising threat he identifies in the main section of the book. Clearly existing academic institutions in the US are barely adequate given the campaigns against dissident academics led by David Horowitz (p.143). Giroux recounts in the final chapter, an interview conducted by Sina Rahmani, his own flight from the prestigious Penn State University to McMaster University in Canada because of managerial harassment following his public criticisms of Penn’s involvement in military research (p. 186). But whilst Giroux recognises that education is far wider than what takes place in institutions of learning there is no account of what practical forms these take. Nor does Giroux give an account of why a critical pedagogy would take priority over informed aesthetic or ethical practices. Such a concentration on education would appear to prioritise those who already have (by virtue of luck or social circumstance) an already existing expertise in critical thinking, risking an oppressive power-relationship in which the expert drills the student into rigorous assessment. This lapse into the role of the strident instructor demanding the correct form of radical response, occasionally appears in Giroux’s text: “within the boundaries of critical education, students have to learn the skills and knowledge to narrate their own stories [and] resist the fragmentation and seductions of market ideologies” (p. 155). Woe betide the student who prefers to narrate the story of the person sitting next to them, or fails to measure up to the ‘educators’ standard of critical evaluation.

#### Their concerns are disproven by history – the system evolves but doesn’t fail, and quality of life is higher each time – it’s skyrocketing in the squo.

Ridley 10, visiting professor at Cold Spring Harbor Laboratory, former science editor of The Economist, and award-winning science writer, 2010 (Matt, *The Rational Optimist*, pg. 41-43)

In truth, **far from being unsustainable**, **the interdependence of the world through trade is the very thing that makes modern life as sustainable as it is**. Suppose your local laptop manufacturer tells you that he already has three orders and then he is off on his holiday so he cannot make you one before the winter. You will have to wait. Or suppose your local wheat farmer tells you that last year’s rains means he will have to cut his flour delivery in half this year. You will have to go hungry. Instead, you benefit from a global laptop and wheat market in which somebody somewhere has something to sell you so there are rarely shortages, only modest price fluctuations. For example, **the price of wheat** approximately **trebled in** 2006–8, just **as** it did **in** Europe in **1315**–18. **At the earlier date**, **Europe was less densely populated**, farming was entirely organic and food miles were short. **Yet in** 20**08**, **nobody ate a baby or** pulled **a corpse** from a gibbet for food. Right up **until the railways** came, **it was cheaper** for people **to turn into refugees than to pay the exorbitant costs of importing food** into a hungry district. **Interdependence spreads risk**. T**he decline in agricultural employment caused consternation among early economists**. François Quesnay and his fellow ‘physiocrats’ argued in eighteenth-century France that manufacturing produced no gain in wealth and that switching from agriculture to industry would decrease a country’s wealth: only farming was true wealth creation. **Two centuries later the decline in industrial employment in the late twentieth century caused** a **similar consternation** among economists, who saw services as a frivolous distraction from the important business of manufacturing. They were just as wrong. **There is no such thing as unproductive employment**, **so long as people are prepared to buy the service you are offering**. **Today**, **1 per cent works in agriculture and 24 per cent in industry**, **leaving 75 per cent to offer movies**, **restaurant meals**, **insurance broking and aromatherapy**.

#### Transition from neolib creates global war that destroys solvency.

Barnhizer 6 – Emeritus Professor at Cleveland State University’s Cleveland-Marshall College of Law (David R., “Waking from Sustainability's "Impossible Dream": The Decisionmaking Realities of Business and Government.” 2006 Georgetown International Environmental Law Review. 18 Geo. Int'l Envtl. L. Rev. 595. Lexis.)

We face a combination of ecological, social, and economic crises. These crises involve the ability to fund potentially conflicting obligations for the provision of social benefits, health care, education, pensions, and poverty alleviation. They also include the need for massive expenditures to "fix" what we have already broken. n59 Part of the challenge is that in the United States and Europe we have made fiscal promises that we cannot keep. We also have vast economic needs for [\*620] continuing wealth generation as a precondition for achieving social equity on national and global levels. Figuring out how to reduce some of those obligations, eliminate others, and rebuild the core and vitality of our system must become a part of any honest social discourse. Even Pollyanna would be overwhelmed by the choices we face. There will be significant pain and sacrifice in any action we take. But failing to take prompt and effective action will produce even more catastrophic consequences. The scale of social needs, including the need for expanded productive activity, has grown so large that it cannot be shut off at all, and certainly not abruptly. It cannot even be ratcheted down in any significant fashion without producing serious harms to human societies and hundreds of millions of people. Even if it were possible to shift back to systems of local self-sufficiency, the consequences of the transition process would be catastrophic for many people and even deadly to the point of continual conflict, resource wars, increased poverty, and strife. What are needed are concrete, workable, and pragmatic strategies that produce effective and intelligently designed economic activity in specific contexts and, while seeking efficiency and conservation, place economic and social justice high on a list of priorities. n60 The imperative of economic growth applies not only to the needs and expectations of people in economically developed societies but also to people living in nations that are currently economically underdeveloped. Opportunities must be created, jobs must be generated in huge numbers, and economic resources expanded to address the tragedies of poverty and inequality. Unfortunately, natural systems must be exploited to achieve this; we cannot return to Eden. The question is not how to achieve a static state but how to achieve what is needed to advance social justice while avoiding and mitigating the most destructive consequences of our behavior. Many developing country groups involved in efforts to protect the environment and resist the impacts of free trade on their communities have been concerned with the harmful effects of economic change. Part of the concern is the increased scale of economic activity. Some concerns relate to who benefits and who loses in the changing context imposed by globalization. These concerns are legitimate and understandable. So are the other deep currents running beneath their political positions, including those of resistance to change of any kind and a [\*621] rejection of the market approach to economic activities. In the system described inaccurately as free market capitalism, economic activity not only breaks down existing systems, it creates new systems and--as Joseph Schumpeter observed--continually repeats the process through cycles of "creative destruction." n61 This pattern of creative destruction unfolds as necessarily and relentlessly as does the birth-maturation-death-rebirth cycle of the natural environment. This occurs even in a self-sufficient or autarkic market system capable of managing all variables within its closed dominion. But when the system breaks out of its closed environment, the ability of a single national actor to control the system's dynamics erodes and ultimately disappears in the face of differential conditions, needs, priorities, and agendas. Globalization's ability to produce wealth for a particular group simultaneously produces harms to different people and interests and generates unfair resource redistribution within existing cultures. This is an unavoidable consequence of globalization. n62 The problem is that globalization has altered the rules of operation of political, economic, and social activities, and in doing so multiplied greatly our ability to create benefit and harm. n63 While some understandably want the unsettling and often chaotic effects of globalization to go away, it can only be dealt with, not reversed. The system in which we live and work is no longer closed. There are few contexts not connected to the dynamics of some aspect of the extended economic and social systems resulting from globalization. This means the wide ranging and incompatible variables of a global economic, human rights, and social fairness system are resulting in conflicts and unanticipated interpenetrations that no one fully understands, anticipates, or controls. n64 Local [\*622] self-sufficiency is the loser in this process. It can remain a nostalgic dream but rarely a reality. Except for isolated cultures and niche activities, there is very little chance that anyone will be unaffected by this transformational process. Change is the constant, and it will take several generations before we return to a period of relative stasis. Even then it will only be a respite before the pattern once again intensifies.

### 2NR neolib O/V

#### This debate comes down to a question of models for the world—if I win that globalized capitalism is the best system available to us then I win the debate: the entire AC was based on a foundational criticism of this system and they have to defend that.

#### All of their ROTB claims about fighting oppression miss the point—all of my arguments are reasons why neolib is the best system to fight oppression.

#### I have two warrants for why neolib is best:

#### Empirically, neolib has improved the quality of life for marginalized people across the world. No other system has come close to seeing the improvements in lifestyle for those at the bottom of society. Never before has such a small proportion of the population been starving—that’s Ridley. Yes, neolib has problems but the Aff has yet to offer any equally successful alternate system.

#### Any transition from neoliberalism fails and replicates the problems the Aff criticizes—the shift away from interdependent global trade would be *catastrophic.* No single actor could manage the transition and millions would starve--Barnhizer.

#### All of their criticisms of neoliberalism are epistemically flawed because they attempt to characterize interdependent trade as a monolithic entity—specifically Giroux’s critique of neolib ignores the ways in which it is radically contestable—neolib has created tech that makes it easier to get you message to more people than ever before—that’s Frank.

#### Frank also says that Giroux’s pedagogical model re-entrenches oppressive divisions which is an independent turn to the Aff—his model prioritizes the educated who have expertise in critical thinking and he doesn’t offer any sort of adequate alternative to neolib.